

**To:** Lammie, Benjamin[Lammie.Benjamin@epa.gov]  
**Cc:** Smith-Watts, David[Smith-Watts.David@epa.gov]; Kulpan, Bruce[Kulpan.Bruce@epa.gov]; Northridge, Michael[Northridge.Michael@epa.gov]  
**From:** Dixon, Douglas  
**Sent:** Wed 11/18/2015 2:03:06 PM  
**Subject:** RE: R8's urgent request for input on issues re: access to Gold King Mine and related areas  
[GoldKingAccess.docx](#)

Ben - in response to the email you just sent see below (and attached).

-----Original Message-----

From: Dixon, Douglas  
Sent: Wednesday, November 18, 2015 7:28 AM  
To: Northridge, Michael <Northridge.Michael@epa.gov>  
Cc: Smith-Watts, David <Smith-Watts.David@epa.gov>; Kulpan, Bruce <Kulpan.Bruce@epa.gov>  
Subject: RE: R8's urgent request for input on issues re: access to Gold King Mine and related areas

# Attorney Client/Ex. 5

Let us know if you want to discuss.

Doug

From: Northridge, Michael  
Sent: Tuesday, November 17, 2015 6:31 PM  
To: Dixon, Douglas  
Cc: Smith-Watts, David; Mackey, Cyndy; Kulpan, Bruce  
Subject: FW: R8's urgent request for input on issues re: access to Gold King Mine and related areas

Doug,

Here's the latest. Please let me know your thoughts asap. R8 requests input by mid-afternoon Wed.

I'm cc:ing David Smith-Watts 'cuz I think you mentioned earlier today that he is assigned with you to access issues.

I'm also cc:ing several managers (Cyndy Mackey, Bruce Kulpan) given their past interest in this issue.

From: Sisk, Richard  
Sent: Tuesday, November 17, 2015 5:45 PM  
To: Michaud, John <Michaud.John@epa.gov>; Hess, Stephen <Hess.Stephen@epa.gov>  
Cc: Northridge, Michael <Northridge.Michael@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Madigan, Andrea <Madigan.Andrea@epa.gov>  
Subject: FW: Access

# Attorney Client/Ex. 5

# Attorney Client/Ex. 5

Thanks

Richard Sisk  
Attorney  
U.S. EPA Region 8  
ENF-L  
1595 Wynkoop  
Denver, CO 80202-1129

Phone: 303-312-6638  
Fax: 303-312-6409  
E-mail: [sisk.richard@epa.gov](mailto:sisk.richard@epa.gov)<<mailto:sisk.richard@epa.gov>>

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From: David A. Cook [mailto:[lawbydave@gmail.com](mailto:lawbydave@gmail.com)]  
Sent: Friday, November 13, 2015 12:49 PM  
To: Sisk, Richard  
Subject: RE: Access

Thanks for taking care of the date issue. I attach a signed copy of the requested consent. I believe each of the following conditions is understood and not controversial:

EPA to provide proof of Insurance coverage for Todd Hennis Mr. Hennis is not responsible for pollution caused by EPA activities on the sites Mr. Hennis is not responsible for the EPA having created a point source discharge on the sites Mr. Hennis continues to have access to the buildings and stored equipment when needed Any taxes on the improvements will be paid by the EPA EPA is responsible for all snow removal and will be conducted in such a way as not to interfere with Mr. Hennis' access.

When the EPA leaves, Mr. Hennis retains the right to improvements EPA must not dispose of sludge from two surge ponds (Anglo Saxon and Harisson) and/or from the filter bags on Herbert, onsite or at San Juan Corp's Gold King or Mogul mines.

David A. Cook  
David A. Cook, P.C.  
6 S Tejon St Ste 400  
Colorado Springs, CO 80903  
(719) 634-6736

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From: Sisk, Richard [mailto:Sisk.Richard@epa.gov]  
Sent: Thursday, November 12, 2015 3:02 PM  
To: David A. Cook  
Cc: John Moscato (John.Moscato@usdoj.gov<mailto:John.Moscato@usdoj.gov>); Bohan, Suzanne; Madigan, Andrea; Land, Kelcey; Urdiales, Aaron; Rudy, Michael; McCaffrey, Shawn  
Subject: RE: Access

Dave – Thank you for the call this afternoon. Based on our conversation, I have prepared and am enclosing a consent for access for the Herbert Placer, Harrison Millsite, and Anglo Saxon Claim that provides access through March 31, 2016. As you can see this follows the consent attached to my November 10, 2015 letter but with a March 31, 2016 termination date. If I have misunderstood what Mr. Hennis is willing to do concerning extending the consent for access through this date, please let me know.

I understand that your client would like to continue discussions on the path forward with EPA. I look forward to your letter that sets out your clients thoughts about future discussions and the path forward. I will forward your letter to EPA management for consideration and get back to you as soon as possible.

Richard Sisk  
Attorney  
U.S. EPA Region 8  
ENF-L  
1595 Wynkoop  
Denver, CO 80202-1129

Phone: 303-312-6638  
Fax: 303-312-6409

E-mail: sisk.richard@epa.gov<mailto:sisk.richard@epa.gov>

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From: Sisk, Richard  
Sent: Thursday, November 12, 2015 9:42 AM  
To: 'David A. Cook'  
Subject: RE: Access

Dave – Sorry, I wasn't working yesterday but I am today. Give me a call if you have time.

Richard Sisk  
Attorney  
U.S. EPA Region 8  
ENF-L  
1595 Wynkoop  
Denver, CO 80202-1129

Phone: 303-312-6638  
Fax: 303-312-6409  
E-mail: sisk.richard@epa.gov<mailto:sisk.richard@epa.gov>

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From: David A. Cook [mailto:lawbydave@gmail.com]  
Sent: Wednesday, November 11, 2015 8:27 AM  
To: Sisk, Richard  
Subject: RE: Access

If your working today, please call me on my cell (719) 209-4227

David A. Cook  
David A. Cook, P.C.  
6 S Tejon St Ste 400  
Colorado Springs, CO 80903  
(719) 634-6736

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limited to the conclusions specifically set forth herein and is based on the completeness and accuracy of the stated facts, assumptions and/or representations included.

From: Sisk, Richard [mailto:Sisk.Richard@epa.gov]  
Sent: Tuesday, November 10, 2015 3:13 PM  
To: David A. Cook (lawbydave@gmail.com<mailto:lawbydave@gmail.com>); mogull  
Cc: Way, Steven  
Subject: Access

Dave – Attached is a letter that is being mailed to you and to Todd this afternoon, acknowledging that Todd has agreed to provide continued access to the Gold King Mine and the Mogul-Grand Mogul Mine properties that he or one of the corporations own. I have attached a list as Exhibit A that shows these claims. This list was attached to the draft settlement agreement that you sent to me back in September. I deleted the Harrison Millsite, Anglo Saxon claim and the Herbert Placer from that list. I would also note that the list in Exhibit A includes the Hoffman claim associated with the Red and Bonita Mine.

The letter also renews EPA's request for Todd to extend the consent for access to the Harrison Millsite, Anglo Saxon claim and the Herbert Placer and indicates that EPA can't agree to a lease at \$10,000 per month.

Let me know if you have any questions.

Richard Sisk  
Attorney  
U.S. EPA Region 8  
ENF-L  
1595 Wynkoop  
Denver, CO 80202-1129

Phone: 303-312-6638  
Fax: 303-312-6409  
E-mail: sisk.richard@epa.gov<mailto:sisk.richard@epa.gov>

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